

[illegible]

1. The Rockett Plaintiffs timely filed their Motion for Fees & Non-Taxable Costs and Expenses under 42 U.S.C. § 1988 [Doc. 176].
2. Plaintiffs timely filed a Motion to amend/correct a typographical error in their Motion [Doc. 177] on page 9 as to undersigned counsel Mr. Hoell's hourly rate, which the Court granted [Doc. 185].
3. Plaintiffs then timely filed their Reply [Doc. 187].
4. Plaintiffs now realize that each of their Fees Motion and their Reply is in excess of 10 pages, but lacks a Table of Contents and a Table of Authorities as required by LR 7.0(d)(3). Further, LR 7.03(d)(1)(A) limits supporting suggestions to 15 pages, and (d)(1)(C) limits Reply suggestions to 10 pages. LR 7.03(d)(2) excludes exhibits, signature blocks, certificates of service, and statements of fact—including facts presented under Rules 9.1(d)(2) or 56.1—from the calculation of these page limitations.

5. Plaintiffs now seek to remove and replace their Fees Motion and their Reply with documents that are substantively the same, but have a Table of Contents and a Table of Authorities added to each.
6. Plaintiffs' Fees Motion is 17 pages, but that contains a one-page "Procedural History" that states the facts of this case's progression. To the extent that this is considered a "statement of facts," then the Fees Motion appears to be 15 pages if the procedural history, signature block, and certificate of service are excluded from the page count. To the extent that the Court finds that page count to exceed 15 pages, then Plaintiffs move the Court for leave to permit it to file one page in excess.
7. Plaintiffs' Reply motion is 13 pages, but that contains a two-page "Motion to Strike or Exclude Discussion of Mediation" directed at Defendant's briefing. To the extent that this Motion to Strike or Exclude is excluded from Reply suggestions, then Plaintiffs' Reply appears to be 10 pages if the motion to strike or exclude, signature block, and certificate of service are excluded from the page count. To the extent that the Court finds that page count to exceed 10 pages, then Plaintiffs move the Court for leave to permit it to file one page in excess.
8. Defendant Judge Eighmy consents to the filing of this motion to remove and replace.
9. Plaintiffs' proposed replacement Motion for Fees is attached as Exhibit 1 (to replace Doc. 176), and Plaintiffs' proposed replacement Reply is attached as Exhibit 2 (to replace Doc. 187). To keep the record clean and clear, the proposed replacement Motion for Fees contains the correction by interlineation as to Mr. Hoell's requested hourly rate on page 9.

WHEREFORE for good cause shown, Plaintiff D. Bart Rockett as next friend of his minor child B.R. and Plaintiff Kadan Rockett pray the Court to SUSTAIN their Consent Motion

for Leave to Remove and Replace in the Record their Motions for Fees [Doc. 176] and their Reply [Doc. 187]; and to grant such other relief as may be just, meet and reasonable.

Dated: January 23, 2025

Respectfully submitted,

*Counsel for Plaintiffs D. Bart Rockett as next friend
of his minor child B.R. and Plaintiff Kadan Rockett*

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Certificate of Service

The undersigned certifies that on January 23, 2025 that (s)he filed this document with the District Clerk to be served by operation of this Court's CM/ECF service on all counsel of record.

/s/ Hugh A. Eastwood, 62058MO